IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3106 OF 2005

Shri S.M. Shegaonkar ... Petitioner

V/s

M/s. Telco Ltd. ... Respondent

Mr. K.K. Waghmare for the petitioner.

None for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 10TH JANUARY, 2006

P.C.:

1. Heard advocate for the petitioner who has sought the petition impugning the order passed by the Labour Court in Revision Application No. 62 of 2003 under Sec.44 of the MRTU & PULP Act, 1971 against the order dated 5.9.2002 passed by the Second Labour Court, Pune, in Complaint (ULP) No. 241 of 1994.

2. The petitioner was working with the respondent since the year 1978 as a Driller and is a permanent employee. The respondent issued chargesheet dated 5.1.1994 to the petitioner which was replied by the petitioner on

9.1.1994. The respondent conducted departmental enquiry against the petitioner regarding the said chargesheet and the enquiry officer has given his findings in favour of the respondent Company. The petitioner submitted his reply dated 24.8.1994, however, the respondent terminated his services vide termination letter dated 31.7.1994.

Being aggrieved with the said termination order, the petitioner/complainant filed complaint of unfair labour practice against the respondent before the Second Labour Court, Pune, being Complaint (ULP) No. 241 of 1994.

3. The Labour Court, after hearing both parties, came to the conclusion that the misconduct was established on the basis of the evidence of the enquiry and the complainant failed to prove that the respondent had engaged in unfair labour practices and continued to engage in the same and hence was held not entitled to any relief. It was further held that the enquiry against the petitioner was fair and proper.

4. The revision was preferred against that order. The Revisional Court partly allowed the complaint and order of punishment was modified to discharge and the

respondent was directed to pay the retrenchment compensation for 25 years put in by the petitioner and other outstanding legal dues, if any. Hence, the present petition.

5. At the outset, it may be noted that the learned counsel for the petitioner sought to make grievance with regard to the manner in which the enquiry was conducted with submission that the petitioner’s document was not taken into account for which purpose he took me through the record of the enquiry. However, perusal thereof definitely shows that the document was taken into account and appreciated regarding its evidentiary value and, therefore, it cannot lie in the mouth of the petitioner that the document wsd not allowed to be read and was not considered at all. The enquiry officer has discarded the document after appreciating its value on the ground that either the document was incomplete or irrelevant for the purpose of enquiry, which aspect, in my view, has to be accepted as the basic principle of enquiry jurisprudence.

6. However, it was submitted that the order passed by the enquiry officer is perverse and the petitioner is subjected to illegality. Further the record fails to

show any element of perversity or illegality committed either by the enquiry officer or by the Labour Court while determining the relevant issues. In fact, the revisional Court has diluted the order of dismissal into discharge with direction that the respondent shall be given retrenchment compensation for 25 years of service put in by him, which, in my view, is the order which should meet the ends of justice.

7. In the result, the petition is devoid of any merits and, therefore, stands dismissed in limine.

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